REMARKS

The Office has required restriction in the present application as follows:

Group 1 Claims 88-103, 106-114, and 118 drawn to a polynucleotide which encodes a protein (SEQ ID NO: 2) vectors and host cells comprising said polynucleotide;

Group 2 Claim 119 drawn to an isolated polymerase (SEQ ID NO: 2);

Group 3 Claims 104 and 105 drawn to an isolated polynucleotide which encodes a protein (SEQ ID NO: 6) vectors and host cells comprising said polynucleotide; and

Group 4 Claims 115-117 drawn to a process for producing L-amino acids comprising culturing the host cells of Claims 24 or 25 and collecting the L-amino acids.

Applicants elect with traverse Group 3 Claims 104 and 105 drawn to an isolated polynucleotide which encodes a protein (SEQ ID NO: 6) vectors and host cells comprising said polynucleotide.

The Examiner has categorized inventions 1-3 as unrelated in that the polynucleotides of Groups 1 and 3 and the protein of Group 2 each comprise chemically unrelated structures capable of separate manufacture and use. The polynucleotides of Groups 1 and 3 comprise nucleic acid sequences different than the protein sequences of amino acid sequences of Group 2. The Examiner has further categorized inventions 1 and 4 as related product and process of use. These two groups are distinct because the polynucleotide of Group 1 can be used in a materially different process such as synthesizing mutant polynucleotides.

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims. It is pointed out that invention Groups 1 and 3 are related in that they are both polynucleotides which encode almost identical polypeptides of almost identical sequence ID numbers. Applicants further point out as between invention Groups 1, 3 and 2, the isolated or

purified polynucleotides of Groups 1 and 3 encode the variant of the polypeptide of SEQ ID NO: 2 of invention Group 2. Therefore, since both of these groups are related the restriction is considered improper between 1 and 3 and 2 and should be withdrawn. Applicants further point out with respect to the product of Group 1 and the process of use of Group 4 the Examiner has not shown that the polynucleotide of Group 1 can be used to synthesize other mutant polynucleotides and therefore this statement is only conjecture on his part. The restriction between Groups 1 and 4 is therefore improper and should be withdrawn.

Moreover the MPEP in Section 803 states as follows:

> "If the search and examination of an entire application can be made without a serious burden, the Examiner *must* (emphasis added) examine it on the merits even though it includes claims to distinct and independent inventions."

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Accordingly and for the reasons presented above Applicants submit that the Office has failed to meet the burden in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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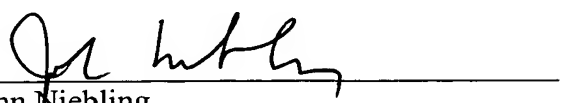

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